

FIRST DIVISION

[G.R. NO. 170695, April 07, 2006]

**UNITED OVERSEAS BANK PHILIPPINES, INC., PETITIONER, VS.
SIONY CHING AND TOWNTEC REALTY & DEVELOPMENT CORP.,
RESPONDENTS.**

DECISION

YNARES-SANTIAGO, J.:

This petition for review on certiorari assails the September 14, 2005 Decision^[1] of the Court of Appeals in CA-G.R. SP No. 81156 affirming the September 10, 2003^[2] and the December 2, 2003^[3] Orders of the Office of the President, and the November 22, 2005 Resolution^[4] denying petitioner's motion for reconsideration.

The instant case arose from a complaint for delivery of title and annulment of real estate mortgage with damages filed by respondent Siony Ching (Ching) against petitioner United Overseas Bank Philippines, Inc. (UOBP) and respondent Towntec Realty and Development Corp. (Towntec) before the Housing and Land Use Regulatory Board (HLURB). Ching claimed that sometime between December 1994 to January 1995, she purchased Condominium Unit 2403 of Empire Plaza from Towntec after paying P200,000.00 as reservation fee and P4,000,000.00 as the purchase price. However, Towntec failed to deliver the condominium certificate of title of the subject unit because the land over which the Empire Plaza was built was mortgaged to UOBP. Consequently, Ching sought the annulment of the mortgage between UOBP and Towntec because it was executed without the prior written approval of the HLURB in violation of Section 18 of Presidential Decree (PD) No. 957 or the Subdivision and Condominium Buyer's Protective Decree.

On December 2, 2001, the Housing and Land Use (HLU) Arbiter found in favor of Ching declaring the real estate mortgage between Towntec and UOBP null and void; ordering Towntec to deliver the condominium certificate of title of unit 2403 to Ching; and ordering Towntec and UOBP to jointly and severally pay damages.

UOBP appealed to the HLURB Board of Commissioners which affirmed the decision of the HLU Arbiter. Its motion for reconsideration having been denied, UOBP filed an appeal with the Office of the President which dismissed the same in an Order dated September 10, 2003 for being filed out of time. UOBP's motion for reconsideration was denied with finality by the Office of the President in its Order dated December 2, 2003.

On appeal, the Court of Appeals affirmed the orders of the Office of the President and denied UOBP's motion for reconsideration.

Hence, this petition for review on the sole ground that the Court of Appeals erred in ruling that the appeal to the Office of the President was not timely filed.

The petition is bereft of merit.

UOBP contends that the period within which to perfect an appeal from the decision of the HLURB Board of Commissioners to the Office of the President is 30 days and not 15 days citing Section 1 of Administrative Order No. 18, series of 1987. It further asserts that the 1996 HLURB Rules of Procedure, the Administrative Code of 1987, PD No. 957 and PD No. 1344,^[5] which were the legal bases of the Office of the President for holding that the period of appeal is 15 days, are not special laws which would constitute an exception to the 30-day appeal period provided for under Section 1 of Administrative Order No. 18.

The contention is untenable.

As correctly pointed out by the Office of the President, the period to appeal the decision of the HLURB Board of Commissioners to the Office of the President has long been settled in the case of *SGMC Realty Corporation v. Office of the President*,^[6] as reiterated in *Maxima Realty Management and Development Corporation v. Parkway Real Estate Development Corporation*,^[7] where we ruled that the period of appeal is 15 days from receipt thereof pursuant to Section 15^[8] of PD No. 957 and Section 2^[9] of PD No. 1344 which are special laws that provide an exception to Section 1 of Administrative Order No. 18. Thus:

x x x Administrative Order No. 18, series of 1987, issued by public respondent [Office of the President] reads:

"Section 1. Unless otherwise governed by special laws, an appeal to the Office of the President shall be taken within thirty (30) days from receipt by the aggrieved party of the decision/resolution/order complained of or appealed from."

As pointed out by the public respondent, the aforecited administrative order allows aggrieved party to file its appeal with the Office of the President within thirty (30) days from receipt of the decision complained of. Nonetheless, such thirty-day period is subject to the qualification that there are no other statutory periods of appeal applicable. If there are special laws governing particular cases which provide for a shorter or longer reglementary period, the same shall prevail over the thirty-day period provided for in the administrative order. This is in line with the rule in statutory construction that an administrative rule or regulation, in order to be valid, must not contradict but conform to the provisions of the enabling law.

We note that indeed there are special laws that mandate a shorter period of fifteen (15) days within which to appeal a case to public respondent. First, Section 15 of Presidential Decree No. 957 provides that the decisions of the National Housing Authority (NHA) shall become final and executory after the lapse of fifteen (15) days from the date of receipt of the decision. Second, Section 2 of Presidential Decree No. 1344 states that decisions of the National Housing Authority shall become final and executory after the lapse of fifteen (15) days from the date of its receipt. The latter decree provides that the decisions of NHA is appealable only to